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August 14, 2007

Via Electronic Filing

The Honorable Vaughn R. Walker
United States District Court
450 Golden Gate Ave.
San Francisco, CA 94102

**Re: *SanDisk Corporation v. Memorex Products, Inc., et al.*
Case No. CV 01-4063 VRW**

Dear Judge Walker:

I am lead trial counsel for the plaintiff SanDisk Corporation ("SanDisk") in the matter entitled *SanDisk Corporation v. Memorex Products, Inc., et al.*, CV01-4063 VRW. I am writing to inform you that trial counsel for both plaintiff SanDisk and defendant Memorex Products, Inc. ("Memorex") have a scheduling conflict with the new November 14, 2007 trial date set forth in the Court's August 1, 2007 scheduling order [Doc. # 462]. As a result of this conflict, SanDisk and Memorex respectfully request a scheduling conference with the Court to move the scheduled trial date to a new date.

Prior to August 1, 2007, the parties were not aware that the Court was considering moving the trial date to November 14, 2007, and therefore did not inform the Court of the conflicts with that date. The events that led up to the present schedule, and the resulting conflicts, are reviewed briefly below.

On April 3, 2007, the Court held a case management conference with plaintiff SanDisk and defendants Memorex, Pretec Electronics ("Pretec") and Ritek Corporation ("Ritek"). During this conference, the Court initially set the trial in this matter to occur sometime after December 2, 2008. *See* Civil Pretrial Minutes (April 3, 2007) [Doc. # 436]. Additionally, the Court ordered that the parties to participate in a settlement conference before Magistrate Judge LaPorte prior to June 29, 2007 and scheduled a further case management conference in this matter for July 10, 2007. *Id.*

On July 10, 2007, the Court held the above-referenced further case management conference. During this conference, SanDisk informed the Court that it had settled its case

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against defendant Ritek. This settlement greatly reduced the nature and scope of the trial. As a result, the Court indicated that this matter could be tried in 2007, and asked the parties whether they were available to commence trial on November 5, 2007. Counsel for SanDisk and Memorex indicated to the Court that they were available for a trial beginning on November 5, 2007. Accordingly, the Court issued a Pre-Trial Order on July 13, 2007 that indicated that trial in this case would begin on November 5, 2007. *See* Pre-Trial Order [Doc. # 457].

Subsequent to the July 10, 2007 case management conference, counsel for SanDisk and Memorex met-and-conferred to reach an agreed-upon stipulated scheduling order that was consistent with the Court's proposed November 5, 2007 trial date. On July 27, 2007, SanDisk and Memorex submitted a document entitled "Stipulation of SanDisk Corporation and Memorex Products, Inc. and [Proposed] Order Regarding Pre-Trial Schedule." [Doc. # 460]. The stipulated schedule set forth deadlines fact and expert discovery as well as pre-trial submission. Consistent with July 10, 2007 conference and July 13, 2007 Pre-Trial Order, the stipulated schedule indicated that trial on this case would begin on November 5, 2007.

On August 1, 2007, the Court signed a modified version of the above-mentioned stipulated order regarding pre-trial schedule. This modified schedule moved the trial date from November 5, 2007 to November 14, 2007. As mentioned at the beginnings of this letter, counsel for SanDisk and Memorex have scheduling conflicts with the November 14, 2007 trial date.

In particular, I (as lead trial counsel for SanDisk) have a long-planned trip scheduled from November 15-18, 2007. Specifically, I will travel out of state to Michigan with seven friends and family members for an event scheduled for November 17. The trip was a present for my 40th birthday. Several of the persons attending the event have purchased non-refundable airline tickets to travel to Michigan. These non-refundable airline tickets were purchased well before the Court's August 1, 2007 order, as well as before the time that SanDisk received notice that the trial date was reset for November 14, 2007.

Similarly, during a meet-and-confer with Memorex regarding the Court's scheduling order, I was also informed that Matthew Werdegarr, trial counsel for Memorex, also has a scheduling conflict with the scheduled November 14, 2007 trial date. Namely, Mr. Werdegarr has a long planned family trip from November 15-23, 2007. This trip covers the Thanksgiving holiday, which occurs this year on November 22, 2007.

As a result of the above scheduling conflicts, SanDisk and Memorex jointly request that the Court hold a further case management conference to move the current trial date to a time that

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is convenient for the Court and mutually agreeable to the parties. SanDisk and Memorex recognize how busy the Court is, and thank you for your consideration in this matter.

Sincerely,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

/s/ James C. Yoon